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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,998	12/11/1998	RAVI GANESAN	23952-0075	8916
29052 7590 08/10/2007 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/208,998	Applicant(s) GANESAN ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 15, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-39 and 41-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-39 and 41-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed May 15, 2007 cancelled no claims. Claims 35, 45, 51, 56, and 66 have been amended and no new claims were added. Thus, the currently pending claims are Claims 35-39, and Claims 41-69.

Claim Objections

2. The amendment filed May 15, 2007 amended Claims 35, 45, 51, 56, and 66 by removing the term "login" and inserting the term "logon" in order to maintain consistency with the applicants specification. Therefore, the examiner hereby withdraws the Objection to Claims 35, 45, 51, 56, and 66 raised in the Office Action dated February 15, 2007.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35 – 39, 41 – 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (U.S. Patent Number: 5,826,241) in view of CdNow (www.archive.org, CDNow homepage, 1996)

Claim 35: Stein discloses a method comprising:

- a. Transmitting, from a financial institution of financial institute representative, a log-on request in response to a purchaser selecting an interactive protocol on a website associated with a seller. (Col 6, lines 24-60; and Col 7, line 38 through Col 8, line 18)
- b. Receiving, at the financial institute or financial institute representative, log-on information associated with the purchaser. (Col 6, lines 24-60; and Col 7, line 38 through Col 8, line 18)
- c. Receiving, at the financial institute or financial institute representative, information associated with a product intended to be purchased by the purchaser from the seller at a purchase price, wherein the information received at the financial institute or financial institute representative does not include an account number of the purchaser, and wherein the account number is not disclosed to the seller. (Col 6, lines 24-60; and Col 7, line 38 through Col 8, line 18)
- d. Verifying, at the financial institute or financial institute representative, that an account associated with the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col 6, line 62 through Col 7, line 25)

- e. If the financial institute or financial institute representative verifies that the account associated with the purchaser includes sufficient funds to cover the transfer, transmitting an authorization from the financial institute or financial institute representative to the seller to proceed with the transaction. (Col 6, line 62 through Col 7, line 25)

While Stein does not limit the interactive protocol used by the website to a hyperlink, the analogous art of CDNOW discloses a seller that utilized hyperlinks for user interactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize hyperlinks to provide interactivity. The rationale for using hyperlinks is that they were one of a predictable number of interactive protocols on the World Wide Web that were commonly known at the time of the invention.

Claim 36: Stein and CDNow disclose the method of Claim 35, further comprising directing, from the financial institute or financial institute representative, a transfer of funds from the account associated with the purchaser. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 37: Stein and CDNow disclose the method of Claim 35, further comprising: directing, from the financial institute or financial institute representative, a transfer of funds to an account of the seller. (Col 8, lines 37-56; and Col 11, lines 1-28)

Art Unit: 3622

Claim 38: Stein and CDNow discloses the method of Claim 37, wherein the step of directing, from the financial institute or financial institute representative, the transfer of funds from the account to the account of the seller is responsive to the financial institute or financial institute representative receiving a notice confirming delivery of goods from the seller. (Col 7, lines 34-48)

Claim 39: Stein and CDNow discloses the method of Claim 35, further comprising: receiving, at the financial institute or financial institute representative, a purchaser identity prior to the financial institute or financial institute representative verifying that the account of the purchaser includes sufficient funds. (Col 6, line 62 through Col 7, line 25)

Claim 41: Stein and CDNow disclose the method of Claim 35, wherein the financial institute or financial institute representative comprises a financial institute network device. (Col 4, lines 49-57)

Claim 42: Stein and CDNow disclose the method of Claim 35, wherein the information associated with a product comprises the purchase price or a product description. (Col 7, lines 38-48)

Claim 43: Stein and CDNow disclose the method of Claim 42, wherein the information associated with a product comprises an indicator identifying the seller or the purchaser. (Col 7, lines 38-48)

Claim 44: Stein and CDNow disclose the method of Claim 35, further comprising transmitting an authorization from the financial institute or financial institute representative to the seller to proceed with the transaction if the financial institute or financial institute representative verifies that the account associated with the purchaser has sufficient funds to cover the cost of transaction.. (Col 3, lines 38-67; Col 6, line 24 through Col 18, line 18). While Stein and CDNow are silent regarding the underlying account containing overdraft protection, Official Notice is taken that it was well known at the time of the invention for bank accounts to have overdraft protection, which would allow a transaction to occur when there are insufficient funds in the bank account to cover the cost of the transaction. When the underlying account has overdraft protection the authorization and verification system disclosed by Stein would operate as disclosed to provide authorization when the transaction occurs as long as the amount of the transaction does not exceed the overdraft limit. The rational for including bank accounts with overdraft protection in the system disclosed by Stein is that the disclosed system would not need to be altered in order to process authorization messages from such bank accounts and would enable customers that had bank accounts with overdraft protection to participate in the disclosed payment system.

Claim 45: Stein discloses a method comprising:

- a. Downloading, from a seller to a purchaser, information associated with a product available for purchase by the purchaser, wherein the information associated with the product includes pricing information. (Col 6, lines 24-60)
- b. Providing, by the seller, at least one payment option selectable by the purchaser. (Col 5, lines 1-21; and Col 6, lines 24-60)
- c. Receiving a payment selection at the seller, where the payment selection results from the selection of an interactive protocol presented on a website associated with the seller; in response to the payment selection, establishing a connection with a financial institute or financial institute representative, wherein the connection allows a purchaser to provide log-on information to a financial institute or financial institute representative. (Col 6, lines 24-60; and Col 7, line 38 through Col 8, line 18)
- d. Providing pricing information to the financial institute or financial institute representation. (Col 7, line 38 through Col 8, line 18)
- e. Receiving, at the seller, an authorization from the financial institute or financial institute representative to proceed with a sale of the product to the purchaser if the financial institute or financial institute representative verifies that an account associated with the purchaser includes sufficient funds to cover the payment of an amount specified by the pricing information. (Col 6, line 62 through Col 7, line 25)

- f. W herein the seller does not receive an account number corresponding to the account associated with the purchaser, and wherein the financial institute or financial institute representative does not receive the account number from the seller or purchaser at the time of the transaction. (Col. 5, lines 1-21; Col 6, line 24 through Col 7, line 54; and Col 12, line 29 through 64)

While Stein does not limit the interactive protocol used by the website to a hyperlink, the analogous art of CDNOW discloses a seller that utilized hyperlinks for user interactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize hyperlinks to provide interactivity. The rational for using hyperlinks is that they were one of a predictable number of interactive protocols on the World Wide Web that were commonly known at the time of the invention.

Claim 46: Stein and CDNow discloses the method of Claim 45, wherein funds are transferred from the account associated with the purchaser to an account of the seller following the receipt, at the seller, of the authorization from the financial institute or financial institute representative. (Col 9, line 66 through Col 11, line 12)

Claim 47: Stein and CDNow discloses the method of Claim 45, further comprising: transmitting a notice confirming delivery of goods from the seller to the financial institute or financial institute representative, and wherein the funds are transferred from the account associated with the purchaser to an account of the seller following

receipt of the notice of delivery by the financial institute or financial institute representative. (Col 7, lines 34-48)

Claim 48: Stein and CDNow disclose the method of Claim 45, wherein the information associated with a product available for purchase includes a product description summary. (Col 7, lines 34-48)

Claim 49: Stein and CDNow disclose the method of Claim 45, wherein the payment selection includes purchaser information provided by the purchaser. (Col 7, line 38 through Col 8, line 18)

Claim 50: Stein and CDNow discloses the method of Claim 45, wherein the financial institute or financial institute representative comprises a financial institute network device. (Col 4, lines 49-57)

Claim 51: Stein discloses a method comprising:

- a. Downloading product information and payment options from a seller to a purchaser, wherein the product information includes pricing information, wherein the payment option is selected when an interactive protocol presented on a website associated with the seller is selected. (Col 6, line 24-60; and Col 7, line 38 through Col 8, line 18).

While Stein is silent with regard to merchants offering other methods of payment, the applicant admits on page 2, lines 10-20 of the specification that it was old and well known at the time of the invention to provide customers with the option to pay for online transaction with a plurality of payment options including the use of a credit card or a debit card. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to allow retailers to provide transactions using credit cards or debit cards. The rationale for utilizing such payment options would be to ensure that merchants can sell items over the internet to customers that either do not have an account with the payment system disclosed by Stein, or wish to use traditional credit card payments for their transactions.

Additionally, while Stein does not limit the interactive protocol used by the website to a hyperlink, the analogous art of CDNOW discloses a seller that utilized hyperlinks for user interactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize hyperlinks to provide interactivity. The rationale for using hyperlinks is that they were one of a predictable number of interactive protocols on the World Wide Web that were commonly known at the time of the invention.

- b. While Stein is silent with regard to the additional purchase options offered by an online retailer, Official notice is taken that it is old and well known for retailers communicate customers credit card numbers and purchase amounts to the credit card provider in order to obtain remuneration for the items sold to a customer

using said credit card. One would have been motivated to do so in order to obtain payment for the items sold to the customer.

- c. If the payment option selected by the purchaser is the second payment option, establishing a connection with a financial institute or financial institute representative, wherein the connection allows a purchaser to provide log-on information to a financial institute or financial institute representative. (Col 6, line 24-60; and Col 7, line 38 through Col 8, line 18)
- d. Transmitting the product information from the seller to a financial institute or financial institute representative and receiving an authorization from the financial institute or financial institute representative to proceed with the transaction, wherein the seller does not receive, from the purchaser, an account number identifying the purchaser account, and wherein the seller and purchaser do not communicate an account number identifying the purchaser account to the financial institute or financial institute representative at the time of the transaction. (Col 6, line 24-60; and Col 7, line 38 through Col 8, line 18)

Claim 52: Stein and CDNow discloses the method of Claim 51, wherein the seller receives an authorization from the financial institute or financial institute representative if the financial institute or financial institute representative verifies that the purchaser deposit account includes sufficient funds to cover a transfer to the seller of an amount specified by the pricing information. (Col 6, line 62 through Col 7, line 25)

Claim 53: Stein and CDNow discloses the method of Claim 51, further comprising receiving, at the seller, payment of the amount specified by the pricing information from the financial institute or financial institute representative. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 54: Stein and CDNow disclose the method of Claim 51, wherein the product information includes purchaser information. (Col 7, line 38 through Col 8, line 18)

Claim 55: Stein and CDNow disclose the method of Claim 51, wherein the product information includes the identity of the seller if the second payment option is selected by the purchaser. (Col 7, line 38 through Col 8, line 18)

Claim 56: Stein and CDNow discloses a system comprising:

- a. A first network device, associated with a seller, operable to receive information identifying a product intended to be purchased by a purchaser at a purchase price, but not operable to identify, via one or more communications received from the purchaser at the time of the transaction, an account number associated with an account of the purchaser for the transfer of funds to pay for the product. (Col 6, lines 24-60 and Col 7, line 38 through Col 8, line 18)

- b. A second network device, associated with a financial institute or financial institute representative and in communication with the first network device, wherein the second network device is operable to:
 - i. Transmit, to the first network device, a log-on request in response to a purchaser selecting an interactive protocol on a website associated with the purchaser. Receive, from the first network device, product information including the purchase price. (Col 6, lines 24-60; and Col 7, line 38 through Col 8, line 18)
 - ii. Receive, at the second network device, log-on information associated with the purchaser. (Col 6, line 24 through Col 18, line 18)
 - iii. Receive, from the first network device, product information including the purchase price. (Col 6, line 24 through Col 18, line 18)
 - iv. Verify that the account of the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col 6, line 24 through Col 18, line 18)
 - v. Transmit an authorization to the first network device to proceed with the transaction if the second network device verifies that the account of the purchaser includes sufficient funds to cover the transfer, wherein the second network device is not operable to receive, from the seller or purchaser at the time of the transaction, an account number that corresponds to the account of the purchaser. (Col 6, line 24 through Col 18, line 18)

While Stein does not limit the interactive protocol used by the website to a hyperlink, the analogous art of CDNOW discloses a seller that utilized hyperlinks for user interactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize hyperlinks to provide interactivity. The rationale for using hyperlinks is that they were one of a predictable number of interactive protocols on the World Wide Web that were commonly known at the time of the invention.

Claim 57: Stein and CDNow disclose the system of Claim 56, wherein the second network device is further operable to direct a transfer of funds from the account of the purchaser. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 58: Stein and CDNow disclose the system of Claim 56, wherein the second network device is further operable to direct a transfer of funds to an account of the seller. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 59: Stein and CDNow disclose the system of Claim 58, wherein the wherein the second network device is further operable to direct the transfer of funds from the account of the purchaser to the account of the seller responsive to the second network device receiving a notice confirming delivery of goods from the seller. (Col 6, line 24 through Col 18, line 18)

Claim 60: Stein and CDNow disclose the system of Claim 56, wherein the second network device is further operable to receive a purchaser identity prior to verifying that the account of the purchaser includes sufficient funds to pay for the product. (Col 6, line 24 through Col 18, line 18)

Claim 61: Stein and CDNow disclose the system of Claim 56, wherein the second network device comprises a financial institute network device. (Col 4, lines 49-57)

Claim 62: Stein and CDNow disclose the system of Claim 56, wherein the product information further comprises a product description. (Col 6, line 24 through Col 18, line 18)

Claim 63: Stein and CDNow disclose the system of Claim 56, wherein the product information further comprises the identity of the seller. (Col 6, line 24 through Col 18, line 18)

Claim 64: Stein and CDNow disclose the system of Claim 56, wherein the product information further comprises the identity of the purchaser. (Col 6, line 24 through Col 18, line 18)

Claim 65: Stein and CDNow discloses the system of Claim 56, wherein the second network device is operable to transmit an authorization to the seller to proceed with

the transaction if the account of the purchaser has an account able to cover the cost of the product; wherein the account includes a bank account (Col 3, lines 38-67; Col 6, line 24 through Col 18, line 18). While Stein and CDNow are silent regarding the underlying account containing overdraft protection, Official Notice is taken that it was well known at the time of the invention for bank accounts to have overdraft protection, which would allow a transaction to occur when there are insufficient funds in the bank account to cover the cost of the transaction. When the underlying account has overdraft protection the authorization and verification system disclosed by Stein would operate as disclosed to provide authorization when the transaction occurs as long as the amount of the transaction does not exceed the overdraft limit. The rationale for including bank accounts with overdraft protection in the system disclosed by Stein is that the disclosed system would not need to be altered in order to process authorization messages from such bank accounts and would enable customers that had bank accounts with overdraft protection to participate in the disclosed payment system.

Claim 66: Stein and CDNow discloses an article of manufacture comprising:

- a. A computer readable storage medium on at least one device associated with a financial institute or a financial institute representative. (Col 6, line 24 through Col 18, line 18)
- b. Computer programming stored on the storage medium, wherein the stored computer programming is configured to be readable from the

computer readable storage medium by a computer and thereby cause the computer to operate so as to:

- i. Transmit, to a seller, a log-on request in response to a purchaser selecting an interactive protocol on a website associated with the seller. (Col 6, line 24 through Col 18, line 18)
- ii. Receive, at the financial institute or a financial institute representative, log-on information associated with the purchaser. (Col 6, line 24 through Col 18, line 18)
- iii. Receive, responsive to a communication from a purchaser to a seller that identifies a product to be purchased but does not identify an account number associated with an account of the purchaser to transfer funds to the seller, information associated with the product intended to be purchased by a purchaser from the seller at a purchase price, wherein the information received includes a purchase price of the product but does not include the account number of the purchaser. (Col 6, line 24 through Col 18, line 18)
- iv. Identify the account of the purchaser. (Col 6, line 24 through Col 18, line 18)
- v. Verify that the account of the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col 6, line 24 through Col 18, line 18)

While Stein does not limit the interactive protocol used by the website to a hyperlink, the analogous art of CDNOW discloses a seller that utilized hyperlinks for user interactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize hyperlinks to provide interactivity. The rationale for using hyperlinks is that they were one of a predictable number of interactive protocols on the World Wide Web that were commonly known at the time of the invention.

Claim 67: Stein and CDNow discloses the article of Claim 66, wherein the computer programming further causes the computer to operate so as to direct a transfer of funds from the account of the purchaser. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 68: Stein and CDNow discloses the article of Claim 66, wherein the computer programming further causes the computer to operate so as to direct a transfer of funds to an account of the seller. (Col 8, lines 37-56; and Col 11, lines 1-28)

Claim 69: Stein and CDNow discloses the article of Claim 68, wherein the computer programming further causes the computer to operate so as to direct the transfer of funds from the account of the purchaser to the account of the seller responsive to receiving a notice confirming delivery of goods from the seller. (Col 6, line 24 through Col 18, line 18)

Response to Arguments

5. Applicant's arguments with respect to claims 35-39; and 41-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is

(571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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